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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,249	06/13/2001	Kaoru Suzuki	43701.00034	6667

7590 01/07/2003

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EXAMINER

SONG, HOSUK

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 01/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No. <b>09/881,249</b>	Applicant(s) <b>SUZUKI et al.</b>
Examiner <b>HO S. SONG</b>	Art Unit <b>2131</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jan 15, 2002

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-16 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-16 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Reissue Applications***

1. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414. The declaration by the inventors does not set forth any reason by which the original patent was rendered invalid or inoperative. Note that the statement that this is a broadening reissue does not satisfy the requirement of 37 CFR 1.175(a)(1). See MPEP § 1414. Also note that the declaration only states that Applicants believe that they claimed less than had a right to claim in the patent , but does not provide explanation how the error renders the patent invalid or inoperative by referring to any claim number or claim language in the original patent. Note further, that merely presenting the newly proposed claims does not satisfy the requirement of specifically identifying the error.

2. Claims 1-39 are rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the reissue oath/declaration under U.S.C. 251 is set forth in the discussion above in this Office action.

3. The addition of claims 17-39 does not comply with 37 CFR 1.173. For each of the new claims, the entire text must be underlined, as required by 37 CFR 1.173(b)(2). In addition, merely presenting the new claims without any request to add the claims is not proper amendment of

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claims. Note that in the declaration, the box indicating the “attached amendment” is not checked. Also, the amendment does not comply with 37 CFR 1.173© because the amendment does not include a separate paper setting forth the status of all claims and an explanation of the support in the disclosure of the patent for the changes made to the claims. See MPEP § 1453. Therefore the amendment to claim is improper, and the new claims will not be examined.

4. The specification filed 6/13/01 in the reissue application in the double-column format contains handwritten markings which should be removed. Note that the other copy of the specification filed on 6/13/01 contains amendments which are properly underlined and/or bracketed, but is not in double column format. However, the specification filed in the double-column format on 1/15/02 does not include these amendments, and is not a copy of the original patent specification. The examiner is requesting applicant to file a copy of the original patent specification in double column format without the handwritten markings and an amendment to the specification of the original patent in accordance with 37 CFR 1.173(b)(1).

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5 Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Matchett et al(US 5,229,764).

In claims 1,15, Matchett discloses biometric authentication system where the user is continuously recognized by input image in(col.4,lines 30-46). Matchett teaches if the person is

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verified as an authorized user the user is registered and allowed to use the service in (col.6,lines 49-62). Matchett discloses decision means for deciding that the user is not under a situation to use the service in case the user is not recognized in the input image in (col.6,lines 52-62). Matchett disclose infringement situation decision means for deciding that a security of the service use area is infringed in case at least one person other than the authorized user is recognized in the input image in (col.4,lines 58-68; col.5,lines 1-6). Matchett teaches supplying a service to the authorized user and controlling a supply of the service to unauthorized user in (col.5,lines 1-6; col.6,lines 49-62).

In claims 10,11,12, Matchett teach security degrees preset and detecting movement of the visual line or a direction of the face of the user and controls the supply of the service in accordance with the movement of the visual line or the direction of the face of the user in (col.4,lines 38-54).

As per claim 16, claim 16 is same as claims 1,15. The only difference is that claim 16 is directed to a computer readable memory containing computer-readable instructions to supply a service to a user in a service user area surrounding the user instead of apparatus and method described in claims 1,15. Computer readable memory and computer instruction code are disclosed in Matchett in (fig.1).

***Claim Rejections - 35 USC § 103***

6 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7      Claims 2-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matchett et al(US 5,229,764).

In claims 2,3, Matchett does not explicitly teach service control means finishes the supply of the service in case the use situation decision means decides the user is not under the situation to use the service. However, Matchett disclose service reject/accept and authentication establishment between the user and the system in (col.6,lines 49-62). Therefore, it would have been obvious to person of ordinary skill in the art at the time invention was made to realize the Matchett's service reject/accept request establishment and discards as being the service interrupting and finishing as claimed by applicant. Controlling service allows security service information to be forwarded to authorized user only.

In claims 4,5, Matchett does not explicitly teach service control means finishes the supply of the service in case the use situation decision means decides the user is not under the situation to use the service. However, Matchett disclose service reject/accept and authentication establishment between the user and the system in (col.6,lines 49-62). Therefore, it would have been obvious to person of ordinary skill in the art at the time invention was made to realize the Matchett's service reject/accept request establishment and discards as being the service interrupting and finishing as claimed by applicant. Controlling service allows security service information to be forwarded to authorized user only.

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In claims 6,7, Matchett does not specifically disclose wherein person discrimination means recognizes the user by referring to a person comparison dictionary to recognize persons allowed to use the service. However, Matchett disclose user's identifying data such as fingerprint,voice data,hand geometry info are stored in system's database in (col.6,lines 20-22,52-62;col.12,lines 11-20). Therefore it would have been obvious to person of ordinary skill in the art at the time the invention was made to realize that Matchett's security data as being the dictionary as applicant claimed. The examiner asserts that Matchett's security information would have included dictionary feature since the security information are stored in database or dictionary or information retrieval system to allow user's data to be accessed,compared prior to issue authorized permission to use the system. See col.11,lines 32-35.

In claims 8,9, Matchett does not disclose service control sending a warning to the user when infringement situation decision decides the security of the service compromised. It would have been obvious to person of ordinary skill in the art at the time invention was made to include a warning sign so that if the user erroneously inputs wrong personal data he/she will not be shutoff completely. Warning signs provide a user friendly environment which alerts user's faults and provide to the user an opportunity to correct mistakes without shutting its system completely.

In claims 13,14, Matchett discloses biometric authentication system where the user is continuously recognized by input image in(col.4,lines 30-46). Matchett teaches if the person is verified as an authorized user the user is registered and allowed to use the service in (col.6,lines 49-62). Matchett discloses decision means for deciding that the user is not under a situation to use

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the service in case the user is not recognized in the input image in (col.6,lines 52-62). Matchett disclose infringement situation decision means for deciding that a security of the service use area is infringed in case at least one person other than the authorized user is recognized in the input image in (col.4,lines 58-68; col.5,lines 1-6). Matchett teaches supplying a service to the authorized user and controlling a supply of the service to unauthorized user in (col.5,lines 1-6; col.6,lines 49-62). Matchett does not explicitly teach service control means finishes the supply of the service in case the use situation decision means decides the user is not under the situation to use the service. However, Matchett disclose service reject/accept and authentication establishment between the user and the system in (col.6,lines 49-62). Therefore, it would have been obvious to person of ordinary skill in the art at the time invention was made to realize the Matchett's service reject/accept request establishment and discards as being the service interrupting and finishing as claimed by applicant. Controlling service allows security service information to be forwarded to authorized user only. Matchett does not explicitly teach service control means finishes the supply of the service in case the use situation decision means decides the user is not under the situation to use the service. However, Matchett disclose service reject/accept and authentication establishment between the user and the system in (col.6,lines 49-62). Therefore, it would have been obvious to person of ordinary skill in the art at the time invention was made to realize the Matchett's service reject/accept request establishment and discards as being the service interrupting and finishing as claimed by applicant. Controlling service allows security service information to be forwarded to authorized user only.

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***Conclusion***

8 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

- a. Sime (US 5,386,104) disclose fraud detection module which uses a biometric recognition method.
- b. Davis (US 6,181,803) disclose biometric device to regulate access to the area.

9. An inquiry concerning this communication should be directed to Ho S. Song whose telephone number is (703)305-0042. The examiner can normally reached on Tues-Fri from 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Gail Hayes can be reached on (703)305-9711.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

*Ho S. Song*

*Gail Hayes*  
GAIL HAYES  
SUPERVISORY PATENT EXAMINER  
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